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AMENDED IN ASSEMBLY MAY 8, 2013

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 333**

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**Introduced by Assembly Member Wieckowski**

February 13, 2013

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An act to amend Sections 117605, 117665, 117695, 117700, 117710, 117725, 117747, 117765, 117775, *117780*, 117805, 117820, 117835, 117885, 117890, 117900, 117903, 117904, 117918, 117920, ~~117924, 117935~~, *117924*, *117935*, 117938, 117940, 117943, 117945, 117950, 117960, 117970, *117985*, 117990, 118000, 118025, 118027, 118029, 118032, 118045, 118135, 118150, 118155, 118160, 118205, 118215, 118220, 118222, 118240, 118245, 118275, 118280, 118286, 118307, 118321.1, 118321.5, 118335, and 118345 of, to add Sections 117636, 117647, ~~117663, 117664~~, 117946, 117967, and 117976 to, to repeal Sections 117620, 117635, 117748, 117755, 117777, ~~117895, 117915~~, 117933, 117955, ~~117980, 117985~~, 118005, 118030, and 118040 of, and to repeal and add Sections 117630, ~~117662~~, 117690, 117750, 117770, ~~117780~~, *117895*, and 117975 of, the Health and Safety Code, relating to medical waste.

## LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Wieckowski. Medical waste.

(1) Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including requiring specified biohazard materials to be disposed of in biohazard bags and requiring specified treatment for medical waste. Transportation, storage, treatment, or disposal of medical waste in a manner not authorized by the act is a crime. Existing law defines specified terms for purposes of the Medical Waste Management Act, including “biohazard bag,” “medical waste management plan,” ~~“health care professional,”~~ “sharps container,” “shipping document,” and “treatment.” Under existing law, health care professionals who generate medical waste are generally required to have medical waste transported by a registered hazardous waste transporter. ~~Under existing law, a health care professional is a person licensed under specified provisions, including dentists and physicians and surgeons.~~

This bill would specify that the United States Department of Transportation has responsibility for the transportation of medical waste on public roads and highways and that the United States Postal Service has responsibility for the transportation of medical waste through the mail. The bill would ~~remove and delete or~~ recast provisions of the act that are inconsistent with that authority. The bill would also redefine the specified terms for purposes of the Medical Waste Management Act, including those above, *and* add definitions of terms, including a ~~chemotherapeutic agent, and expand the scope of a health care professional to include any person who generates medical waste in a health care setting or in the course of providing health care services agent.~~ The bill would include all subsets of waste in the definition of treatment. The bill would also authorize the color coding of sharps containers to segregate the waste stream if designated in the medical waste management plan.

(2) Existing law authorizes a local agency to adopt a medical waste management program to, among other things, issue medical waste registrations and permits and inspect medical waste generators and treatment facilities, and requires the local agency, if it elects to do so, to notify the department. Under existing law, if the local agency chooses not to adopt a medical waste management program or if the department withdraws its designation, then the department is the enforcement agency.

Existing law requires the department to impose and cause to be collected an annual medical waste generator fee, as specified. Existing law authorizes the department to contract with a medical waste transporter or provider of medical waste mail-back systems for the collection of these fees and authorizes the collecting body to recover not more than 5% of the fees as administrative costs.

This bill would remove the ability of the department to use medical waste mail-back systems for the collection of these fees and would authorize medical waste transporters that collect these fees to recover up to 7.5% as administrative costs.

(3) Under the Medical Waste Management Act, medical waste generators, including large quantity generators and small quantity generators, are subject to various requirements relating to registration, record retention, and transportation of medical waste.

This bill would revise the registration procedures and the record requirements for large quantity and small quantity generators. The bill would require large and small quantity generators that operate treatment equipment to receive annual training to operate the equipment. The bill would exempt from regulation as a hazardous waste hauler a small quantity generator or large quantity generator that meets specified requirements, including retaining specified documentation and complying with certain federal requirements relating to a materials of trade exception.

The bill would make technical, conforming, and clarifying changes relating to these provisions.

Existing law prohibits a large quantity generator from generating medical waste unless the large quantity generator is registered with the enforcement agency *and requires small quantity generators to register with the local enforcement agency*.

This bill would authorize a *registered large quantity or small quantity* medical waste generator ~~who is registered with the enforcement agency~~ to generate medical waste at a temporary event, including vaccination clinics, and would require the large quantity *or small quantity* generator to notify the enforcement agency of its participation at such an event *at least 72 hours before the event*.

(4) Existing law requires that all medical waste be hauled by either a registered hazardous waste hauler or by a person with an approved limited-quantity exemption granted pursuant to specified provisions of law. Existing law also specifies treatment methods and processes that medical waste treatment facilities are required to use, including requiring

heat sensitive tape to show that materials went through a heat process, and requires a medical waste treatment facility to be permitted by the department.

This bill would make ~~specified~~ *various* changes to the provisions relating to medical waste haulers, including removing provisions that conflict with the United States Department of Transportation regulation of those entities, *authorizing a registered trauma scene waste practitioner, as specified, to haul medical waste*, and making changes to the information medical waste haulers are required to provide to the department annually. This bill would also make various changes to the provisions relating to medical waste treatment facilities, including specifying the decontamination methods for a closure plan, lowering the time period for which records are maintained from 3 to 2 years, and authorizing the use of electronic information for operating records and shipping documents.

(5) Existing law exempts from specified provisions of the Medical Waste Management Act a person who is authorized to collect solid waste and who unknowingly transports medical waste to a solid waste facility, incidental to the collection of solid waste.

This bill would exempt those persons from the entire act, with regard to that waste, and would require the solid waste transporter to contact the originating generator of the medical waste to respond to the facility to provide ultimate proper disposal of the medical waste.

(6) Existing law requires that animals that die of infectious diseases be treated as medical waste, as specified, if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans.

This bill would require the carcasses of animals that have died of infectious diseases or that have been euthanized because of suspected exposure to infectious disease to be treated with a treatment technology approved by the department if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans. By expanding the definition of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 117605 of the Health and Safety Code  
2 is amended to read:

3 117605. ~~(a)~~—The United States Department of Transportation  
4 (USDOT) is responsible for the transportation of medical waste  
5 on public roads and highways. The United States Postal Service  
6 (USPS) is responsible for the transportation of medical waste  
7 through the mail and approves medical waste mail-back systems.  
8 The standards USDOT enforces are found in Title 49 of the Code  
9 of Federal Regulations. The standards USPS enforces are found  
10 in Domestic Mail Manual 601.10.17.5 (Mailability: Hazardous  
11 Materials: Sharps and Other Mailable Regulated Medical Waste).  
12 The USDOT and USPS regulations preempt state laws.

13 ~~(b) The Medical Waste Management Act does not preempt any~~  
14 ~~local ordinance regulating infectious waste, as that term was~~  
15 ~~defined by Section 25117.5 as it read on December 31, 1990, if~~  
16 ~~the ordinance was in effect on January 1, 1990, and regulated both~~  
17 ~~large and small quantity generators. Any ordinance may be~~  
18 ~~amended in a manner that is consistent with this part.~~

19 SEC. 2. Section 117620 of the Health and Safety Code is  
20 repealed.

21 SEC. 3. Section 117630 of the Health and Safety Code is  
22 repealed.

23 SEC. 4. Section 117630 is added to the Health and Safety Code,  
24 to read:

25 117630. “Biohazard bag” means a disposable film bag that is  
26 impervious to moisture. The film bags that are used for transport  
27 shall be marked and certified by the manufacturer as having passed  
28 the tests prescribed for tear resistance in the American Society for  
29 Testing Materials (ASTM) D1922, “Standard Test Method for  
30 Propagation Tear Resistance of Plastic Film and Thin Sheeting by  
31 Pendulum Method” and for impact resistance in ASTM D 1709,  
32 “Standard Test Methods for Impact Resistance of Plastic Film by  
33 the Free-Falling Dart Method,” as those documents ~~are~~ *were*  
34 published on January 1, 2014. The film bag shall meet an impact  
35 resistance of 165 grams and a tearing resistance of 480 grams in

1 both parallel and perpendicular planes with respect to the length  
2 of the bag. The color of the bag shall be red, except when other  
3 colors are used to further segregate the waste stream, including  
4 for trace chemotherapy wastes, laboratory wastes, and other subsets  
5 of the waste stream. If additional colors are used other than the  
6 standard red bag, the color assignments shall be designated in the  
7 facility's medical waste management plan.

8 SEC. 5. Section 117635 of the Health and Safety Code is  
9 repealed.

10 SEC. 6. Section 117636 is added to the Health and Safety Code,  
11 to read:

12 117636. "Chemotherapeutic agent" means an agent that kills  
13 or prevents the reproduction of malignant cells. Chemotherapeutic  
14 agent excludes anti-inflammatory and antibiotic medications used  
15 to treat malignant cells in the practice of veterinary medicine.

16 SEC. 7. Section 117647 is added to the Health and Safety Code,  
17 to read:

18 117647. "Empty tubing or container" means a condition  
19 achieved when tubing, a container, or inner liner removed from a  
20 container that previously contained liquid or solid material,  
21 including, but not limited to, a chemotherapeutic agent, is  
22 considered empty. The tubing, container, or inner liner removed  
23 from the container shall be considered empty if it has been emptied  
24 so that the following conditions are met:

25 (a) If the material that the tubing, container, or inner liner held  
26 is pourable, no material can be poured or drained from the tubing,  
27 container, or inner liner when held in any orientation, including,  
28 but not limited to, when tilted or inverted.

29 (b) If the material that the tubing, container, or inner liner held  
30 is not pourable, no material or waste remains in the container or  
31 inner liner that can feasibly be removed by scraping.

32 ~~SEC. 8. Section 117662 of the Health and Safety Code is~~  
33 ~~repealed.~~

34 ~~SEC. 9. Section 117662 is added to the Health and Safety Code,~~  
35 ~~to read:~~

36 ~~117662. "Health care professional" means any person who~~  
37 ~~generates medical waste in a health care setting or in the course~~  
38 ~~of providing a health care service.~~

39 ~~SEC. 10. Section 117663 is added to the Health and Safety~~  
40 ~~Code, to read:~~

1     ~~117663. “Health care and veterinary services” means services~~  
2 ~~organized, delivered, and maintained for the diagnosis, care,~~  
3 ~~immunization, prevention, and treatment of human and animal~~  
4 ~~illness.~~

5     ~~SEC. 11.~~ Section 117664 is added to the Health and Safety  
6 Code, to read:

7     ~~117664. “Health care and veterinary settings” means a facility,~~  
8 ~~location, place, or building that is organized, maintained, and~~  
9 ~~operated, in whole or in part, fixed or mobile, for the diagnosis,~~  
10 ~~care, prevention, and treatment of human and animal illness.~~

11     ~~SEC. 12.~~

12     ~~SEC. 8.~~ Section 117665 of the Health and Safety Code is  
13 amended to read:

14     117665. “Highly communicable diseases” means diseases,  
15 such as those caused by organisms classified by the federal Centers  
16 for Disease Control and Prevention as risk group 3 organisms or  
17 higher.

18     ~~SEC. 13.~~

19     ~~SEC. 9.~~ Section 117690 of the Health and Safety Code is  
20 repealed.

21     ~~SEC. 14.~~

22     ~~SEC. 10.~~ Section 117690 is added to the Health and Safety  
23 Code, to read:

24     117690. (a) “Medical waste” means any biohazardous,  
25 pathology, pharmaceutical, trace or bulk chemotherapy waste not  
26 regulated by the federal Resource Conservation and Recovery Act  
27 of 1976 (Public Law 94-580), as amended; sharps and trace  
28 chemotherapy wastes generated in a health care setting in the  
29 diagnosis, treatment, immunization, or care of humans or animals;  
30 waste generated in autopsy or necropsy; waste generated during  
31 preparation of a body for final disposition such as cremation or  
32 interment; waste generated in research pertaining to the production  
33 or testing of microbiologicals; waste generated in research using  
34 human or animal pathogens; sharps and laboratory waste that poses  
35 a potential risk of infection to humans generated in the inoculation  
36 of animals in commercial farming operations; waste generated  
37 from the consolidation of home-generated sharps; and waste  
38 generated in the cleanup of trauma scenes. Biohazardous,  
39 pathology, pharmaceutical, sharps, and trace chemotherapy wastes  
40 ~~that are classified as medical wastes shall not be subject that meet~~

1 *the conditions of this section are not subject* to any of the hazardous  
2 waste requirements found in Chapter 6.5 (commencing with  
3 Section 25100) of Division 20.

4 (b) For purposes of this part the following definitions apply:

5 (1) “Biohazardous waste” includes all of the following:

6 (A) (i) Regulated medical waste, clinical waste, or biomedical  
7 waste that is a waste or reusable material derived from the medical  
8 treatment of a human or from an animal that is suspected by the  
9 attending veterinarian of being infected with a pathogen that is  
10 also infectious to humans, which includes diagnosis and  
11 immunization; or from biomedical research, which includes the  
12 production and testing of biological products.

13 (ii) Regulated medical waste or clinical waste or biomedical  
14 waste suspected of containing a highly communicable disease.

15 (B) Laboratory waste such as human specimen cultures or  
16 animal specimen cultures that are infected with pathogens that are  
17 also infectious to humans; cultures and stocks of infectious agents  
18 from research; wastes from the production of bacteria, viruses,  
19 spores, discarded live and attenuated vaccines used in human health  
20 care or research, discarded animal vaccines, including Brucellosis  
21 and Contagious Ecthyma, as defined by the department; culture  
22 dishes, devices used to transfer, inoculate, and mix cultures; and  
23 wastes identified by Section 173.134 of Title 49 of the Code of  
24 Federal Regulations as Category B “once wasted” for laboratory  
25 wastes.

26 (C) Waste that, at the point of transport from the generator’s  
27 site or at the point of disposal contains recognizable fluid human  
28 blood, fluid human blood products, containers, or equipment  
29 containing human blood that is fluid, or blood from animals  
30 suspected by the attending veterinarian of being contaminated with  
31 infectious agents known to be contagious to humans.

32 (D) Waste containing discarded materials contaminated with  
33 excretion, exudate, or secretions from humans or animals that are  
34 required to be isolated by the infection control staff, the attending  
35 physician and surgeon, the attending veterinarian, or the local  
36 health officer, to protect others from highly communicable diseases  
37 or diseases of animals that are communicable to humans.

38 (2) Pathology waste includes both of the following:

39 (A) Human body parts, with the exception of teeth, removed at  
40 surgery and surgery specimens or tissues removed at surgery or



1 autopsy that are suspected by the health care professional of being  
2 contaminated with infectious agents known to be contagious to  
3 humans or having been fixed in formaldehyde or another fixative.

4 (B) Animal parts, tissues, fluids, or carcasses suspected by the  
5 attending veterinarian of being contaminated with infectious agents  
6 known to be contagious to humans.

7 (3) “Pharmaceutical waste” means a pharmaceutical, as defined  
8 in Section 117747, including fluid bulk chemotherapy waste, that  
9 is a waste, as defined in Section 25124. For purposes of this part,  
10 “pharmaceutical waste” does not include a pharmaceutical that  
11 meets either of the following criteria:

12 (A) The pharmaceutical is being sent out of the state to a reverse  
13 distributor, as defined in Section 4040.5 of the Business and  
14 Professions Code, that is licensed as a wholesaler of dangerous  
15 drugs by the California State Board of Pharmacy pursuant to  
16 Section 4161 of the Business and Professions Code.

17 (B) The pharmaceutical is being sent by a reverse distributor,  
18 as defined in Section 4040.5 of the Business and Professions Code,  
19 offsite for treatment and disposal in accordance with applicable  
20 laws, or to a reverse distributor that is licensed as a wholesaler of  
21 dangerous drugs by the California State Board of Pharmacy  
22 pursuant to Section 4160 of the Business and Professions Code  
23 and as a permitted transfer station if the reverse distributor is  
24 located within the state.

25 (4) “Sharps waste” means a device—~~contaminated with~~  
26 ~~biohazardous waste~~ that has acute rigid corners, edges, or  
27 protuberances capable of cutting or piercing, including, but not  
28 limited to, hypodermic needles, hypodermic needles with syringes,  
29 blades, needles with attached tubing, acupuncture needles, root  
30 canal files, broken glass items used in health care such as Pasteur  
31 pipettes and blood vials contaminated with biohazardous waste,  
32 and any item capable of cutting or piercing from trauma scene  
33 waste.

34 (5) “Trace chemotherapeutic waste” means waste that is  
35 contaminated through contact with, or having previously contained,  
36 chemotherapeutic agents, including, but not limited to, gloves,  
37 disposable gowns, towels, and intravenous solution bags and  
38 attached tubing that are empty. A biohazardous waste that meets  
39 the conditions of this paragraph is not subject to the hazardous

1 waste requirements of the Department of Toxic Substances Control  
2 Chapter 6.5 (commencing with Section 25100) of Division 20.

3 (6) "Trauma scene waste" means waste that is a regulated waste,  
4 as defined in Section 5193 of Title 8 of the California Code of  
5 Regulations, and that has been removed, is to be removed, or is in  
6 the process of being removed, from a trauma scene by a trauma  
7 scene waste management practitioner.

8 ~~SEC. 15.~~

9 SEC. 11. Section 117695 of the Health and Safety Code is  
10 amended to read:

11 117695. Medical waste that has been treated in accordance  
12 with the provisions of the Medical Waste Management Act,  
13 Chapter 8 (commencing with Section 118215), and that is not  
14 otherwise hazardous, shall thereafter be considered solid waste as  
15 defined in Section 40191 of the Public Resources Code and not  
16 medical waste.

17 ~~SEC. 16.~~

18 SEC. 12. Section 117700 of the Health and Safety Code is  
19 amended to read:

20 117700. Medical waste does not include any of the following:

21 (a) Waste generated in food processing or biotechnology that  
22 does not contain an infectious agent, *as defined in Section 117675*,  
23 or an agent capable of causing an infection that is highly  
24 communicable, as defined in Section 117665.

25 (b) Waste generated in biotechnology that does not contain  
26 human blood or blood products or animal blood or blood products  
27 suspected of being contaminated with infectious agents known to  
28 be communicable to humans or a highly communicable disease.

29 (c) Urine, feces, saliva, sputum, nasal secretions, sweat, tears,  
30 or vomitus, unless it contains visible ~~fluid blood~~ or *recognizable*  
31 *fluid blood, as provided in subparagraph (C) of paragraph (1) of*  
32 *subdivision (b) of Section 117690.*

33 (d) Waste which is not biohazardous, such as paper towels,  
34 paper products, articles containing nonfluid blood, and other  
35 medical solid waste products commonly found in the facilities of  
36 medical waste generators.

37 (e) Hazardous waste, radioactive waste, or household waste,  
38 including, but not limited to, home-generated sharps waste, as  
39 defined in Section 117671.

1 (f) Waste generated from normal and legal veterinarian,  
2 agricultural, and animal livestock management practices on a farm  
3 or ranch unless otherwise specified in law.

4 ~~SEC. 17.~~

5 *SEC. 13.* Section 117710 of the Health and Safety Code is  
6 amended to read:

7 117710. “Medical waste management plan” means a document  
8 that is completed by generators of medical waste that describes  
9 how the medical waste generated at their facility shall be  
10 segregated, handled, stored, packaged, treated, or shipped for  
11 treatment, as applicable, pursuant to Section 117935 for small  
12 quantity generators and Section 117960 for large quantity  
13 generators, on forms prepared by the enforcement agency, if those  
14 forms are provided by the enforcement agency.

15 ~~SEC. 18.~~

16 *SEC. 14.* Section 117725 of the Health and Safety Code is  
17 amended to read:

18 117725. (a) “Medical waste treatment facility” means all land  
19 and structures, and other appurtenances or improvements on the  
20 land under the control of the treatment facility, used for treating  
21 medical waste offsite from a medical waste generator, including  
22 all associated handling and storage of medical waste as permitted  
23 by the department.

24 (b) *For purposes of this section, land is under the control of the*  
25 *treatment facility if it is owned, rented, or controlled by contractual*  
26 *agreement.*

27 ~~SEC. 19.~~

28 *SEC. 15.* Section 117747 of the Health and Safety Code is  
29 amended to read:

30 117747. (a) “Pharmaceutical” means a prescription or  
31 over-the-counter human or veterinary drug, including, but not  
32 limited to, a drug as defined in Section 109925 of the Federal Food,  
33 Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec. 321(g)(1)).

34 (b) For purposes of this part, “pharmaceutical” does not include  
35 any pharmaceutical that is regulated pursuant to either of the  
36 following:

37 (1) The federal Resource Conservation and Recovery Act of  
38 1976, as amended (42 U.S.C.A. Sec. 6901 et seq.). This waste  
39 stream shall be handled as a hazardous waste under the authority

~~of the Department of Toxic Substances Control Chapter 6.5~~  
(commencing with Section 25100) of Division 20.

(2) The Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9).

~~SEC. 20.~~

SEC. 16. Section 117748 of the Health and Safety Code is repealed.

~~SEC. 21.~~

SEC. 17. Section 117750 of the Health and Safety Code is repealed.

~~SEC. 22.~~

SEC. 18. Section 117750 is added to the Health and Safety Code, to read:

117750. (a) “Sharps container” means a rigid puncture-resistant container used in patient care or research activities meeting the standards of, and receiving approval from, the United States Food and Drug Administration as a medical device used for the collection of discarded medical needles, other sharps, or, except as specified in subdivision (b), other waste.

(b) For purposes of subdivision (a), “other waste” does not include any waste that is regulated pursuant to either of the following:

(1) The federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.).

(2) The Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9).

(c) No specific color of the sharps container is required. If multiple colored containers are used to segregate the waste stream, including for trace chemotherapy waste, laboratory waste, and other subsets of the waste stream, the color assignments for the sharps containers shall be designated in the generator’s medical waste management plan.

(d) Sharps containers, including those used to containerize trace chemotherapeutic wastes, shall not be lined with a plastic bag or inner liner.

~~SEC. 23.~~

SEC. 19. Section 117755 of the Health and Safety Code is repealed.

~~SEC. 24.~~

SEC. 20. Section 117765 of the Health and Safety Code is amended to read:

117765. “Storage” means the holding of medical wastes, in compliance with the Medical Waste Management Act, including Chapter 9 (commencing with Section 118275), at a designated accumulation area, offsite point of consolidation, transfer station, other registered facility, or in a vehicle detached from its means of locomotion.

~~SEC. 25.~~

SEC. 21. Section 117770 of the Health and Safety Code is repealed.

~~SEC. 26.~~

SEC. 22. Section 117770 is added to the Health and Safety Code, to read:

117770. “Shipping document” means the medical waste shipping document required by the United States Department of Transportation pursuant to Section 172.200 et seq. of Title 49 of the Code of Federal Regulations or the document required by the United States Postal Service pursuant to Domestic Mail Manual 601.10.17.5 (Mailability: Hazardous Materials: Sharps and Other Mailable Regulated Medical Waste).

~~SEC. 27.~~

SEC. 23. Section 117775 of the Health and Safety Code is amended to read:

117775. (a) “Transfer station” means an offsite location permitted by the department where medical waste is loaded, unloaded, stored, or consolidated by a registered hazardous waste hauler during the normal course of transportation of the medical waste.

(b) “Transfer station” does not include any onsite facility, including, but not limited to, common storage facilities, facilities of medical waste generators employed for the purpose of consolidation, or onsite treatment facilities.

~~SEC. 28.~~

SEC. 24. Section 117777 of the Health and Safety Code is repealed.

~~SEC. 29. Section 117780 of the Health and Safety Code is repealed.~~

1 SEC. 30. ~~Section 117780 is added to the Health and Safety Code,~~  
2 ~~to read:~~

3 117780. ~~“Treatment” includes any of the following:~~

4 (a) ~~Treatment for biohazardous waste is any method, technique,~~  
5 ~~or process designed to change the biological character or~~  
6 ~~composition of any biohazardous medical waste so as to eliminate~~  
7 ~~its potential for causing disease.~~

8 (b) ~~Treatment of pathology waste is any method, technique, or~~  
9 ~~process to destroy the biological character or composition of any~~  
10 ~~pathology medical waste so as to eliminate its potential for creating~~  
11 ~~public or environmental health harm.~~

12 (c) ~~Treatment for pharmaceutical waste is any method,~~  
13 ~~technique, or process designed to destroy the character or~~  
14 ~~composition of any pharmaceutical medical waste so as to eliminate~~  
15 ~~its potential for creating public or environmental health harm.~~

16 (d) ~~Treatment for sharps waste is any method, technique, or~~  
17 ~~process designed to change the biological character or composition~~  
18 ~~of any biohazardous material found on the sharp so as to eliminate~~  
19 ~~its potential for causing disease.~~

20 (e) ~~Treatment for trace chemotherapeutic waste is any method,~~  
21 ~~technique, or process designed to destroy the character or~~  
22 ~~composition of any trace chemotherapeutic medical waste so as~~  
23 ~~to eliminate its potential for creating public or environmental health~~  
24 ~~harm.~~

25 (f) ~~Treatment for trauma scene waste is any method, technique,~~  
26 ~~or process designed to change the biological character or~~  
27 ~~composition of trauma scene medical waste so as to eliminate its~~  
28 ~~potential for causing disease.~~

29 SEC. 25. *Section 117780 of the Health and Safety Code is*  
30 *amended to read:*

31 117780. “Treatment” means any method, technique, or process  
32 designed to change *or destroy* the biological character or  
33 composition of any medical waste so as to eliminate its potential  
34 for causing disease *or creating public or environmental harm*, as  
35 specified in Chapter 8 (commencing with Section 118215).

36 ~~SEC. 31.~~

37 SEC. 26. *Section 117805 of the Health and Safety Code is*  
38 *amended to read:*

1 117805. A local agency that elects to implement a medical  
2 waste management program shall notify the department of its intent  
3 to do so.

4 ~~SEC. 32.~~

5 *SEC. 27.* Section 117820 of the Health and Safety Code is  
6 amended to read:

7 117820. A medical waste management program shall include,  
8 but not be limited to, all of the following:

9 (a) Issuing medical waste registrations and permits pursuant to  
10 the Medical Waste Management Act.

11 (b) Processing and reviewing the medical waste management  
12 plans and inspecting onsite treatment facilities in accordance with  
13 Chapter 4 (commencing with Section 117925) for all small quantity  
14 medical waste generators required to be registered.

15 (c) Conducting an evaluation, inspection, or records review for  
16 all facilities or persons issued a large quantity medical waste  
17 registration pursuant to Chapter 5 (commencing with Section  
18 117950) or issued a permit for an offsite or onsite medical waste  
19 treatment facility pursuant to Chapter 7 (commencing with Section  
20 118130).

21 (d) Inspecting medical waste generators in response to  
22 complaints or emergency incidents, or as part of an investigation  
23 or evaluation of the implementation of the medical waste  
24 management plan.

25 (e) Inspecting medical waste treatment facilities in response to  
26 a complaint or as part of an investigation or emergency incident.

27 (f) Taking enforcement action for the suspension or revocation  
28 of medical waste permits issued by the local agency pursuant to  
29 this part.

30 (g) Referring or initiating proceedings for civil or criminal  
31 prosecution of violations specified in Chapter 10 (commencing  
32 with Section 118335).

33 (h) Reporting in a manner determined by the department so that  
34 the statewide effectiveness of the program can be determined.

35 ~~SEC. 33.~~

36 *SEC. 28.* Section 117835 of the Health and Safety Code is  
37 amended to read:

38 117835. The department shall establish and maintain a database  
39 of persons registered as small quantity generators and as large  
40 quantity generators for whom the department is the enforcement

1 agency under Chapter 4 (commencing with Section 117925) and  
2 Chapter 5 (commencing with Section 117950).

3 ~~SEC. 34.~~

4 SEC. 29. Section 117885 of the Health and Safety Code is  
5 amended to read:

6 117885. (a) There is in the State Treasury the Medical Waste  
7 Management Fund, that shall be administered by the director.  
8 Money deposited in the fund shall be available to the department,  
9 upon appropriation by the Legislature, for the purposes of this part.

10 (b) In addition to any other funds transferred by the Legislature  
11 to the Medical Waste Management Fund, the following shall be  
12 deposited in the fund:

13 (1) Fees, penalties, interest earned, and fines collected by, or  
14 on behalf of, the department pursuant to this part.

15 (2) Funds granted by the federal government for purposes of  
16 carrying out this part.

17 ~~SEC. 35.~~

18 SEC. 30. Section 117890 of the Health and Safety Code is  
19 amended to read:

20 117890. (a) No large quantity generator shall generate medical  
21 waste unless the large quantity generator is registered with the  
22 enforcement agency pursuant to this part.

23 (b) Registration pursuant to this part shall also allow the large  
24 quantity generator to generate medical waste at temporary events,  
25 including, but not limited to, health fairs, vaccination clinics, and  
26 veteran stand downs, without further registration or permitting  
27 required. The large quantity generator shall notify the local  
28 enforcement agency of their intended participation in a temporary  
29 event *at least 72 hours before the event.*

30 ~~SEC. 36.~~

31 SEC. 31. Section 117895 of the Health and Safety Code is  
32 repealed.

33 SEC. 32. Section 117895 is added to the Health and Safety  
34 Code, to read:

35 117895. Registration pursuant to this part shall allow a small  
36 quantity generator to generate medical waste at temporary events,  
37 including, but not limited to, health fairs, vaccination clinics, and  
38 veteran stand downs, without further registration or permitting  
39 required. The small quantity generator shall notify the local



1 *enforcement agency of their intended participation in a temporary*  
2 *event at least 72 hours before the event.*

3 ~~SEC. 37.~~

4 SEC. 33. Section 117900 of the Health and Safety Code is  
5 amended to read:

6 117900. No person shall haul medical waste unless the person  
7 is one of the following:

8 (a) A registered hazardous waste hauler pursuant to the  
9 requirements of ~~the Department of Toxic Substances Control~~  
10 *Chapter 6.5 (commencing with Section 25100) of Division 20.*

11 (b) A mail-back system approved by the United States Postal  
12 Service.

13 (c) A common carrier allowed to haul pharmaceutical waste  
14 pursuant to Section 118029 or 118032.

15 (d) A small quantity generator or a large quantity generator ~~that~~  
16 *has transporting limited quantities of medical waste with an*  
17 exemption granted pursuant to either Section 117946 or Section  
18 117976, respectively.

19 (e) *A registered trauma scene waste practitioner hauling trauma*  
20 *scene waste pursuant to Section 118321.5.*

21 ~~SEC. 38.~~

22 SEC. 34. Section 117903 of the Health and Safety Code is  
23 amended to read:

24 117903. No person shall treat medical waste unless the person  
25 is permitted by the enforcement agency as required by this part or  
26 unless the treatment is performed by a medical waste generator  
27 and is a treatment method approved pursuant to Chapter 8  
28 (commencing with Section 118215).

29 ~~SEC. 39.~~

30 SEC. 35. Section 117904 of the Health and Safety Code is  
31 amended to read:

32 117904. (a) In addition to the consolidation points authorized  
33 pursuant to Section 118147, the enforcement agency may approve  
34 a location as a point of consolidation for the collection of  
35 home-generated sharps waste, which, after collection, shall be  
36 transported and treated as medical waste.

37 (b) A consolidation location approved pursuant to this section  
38 shall be known as a “home-generated sharps consolidation point.”

39 (c) A home-generated sharps consolidation point is not subject  
40 to the requirements of Chapter 9 (commencing with Section

1 118275), to the permit or registration requirements of this part, or  
2 to any permit or registration fees, with regard to the activity of  
3 consolidating home-generated sharps waste pursuant to this section.

4 (d) A home-generated sharps consolidation point shall comply  
5 with all of the following requirements:

6 (1) All sharps waste shall be placed in sharps containers.

7 (2) Sharps containers ready for disposal shall not be held for  
8 more than seven days without the written approval of the  
9 enforcement agency.

10 (e) An operator of a home-generated sharps consolidation point  
11 approved pursuant to this section shall not be considered the  
12 generator of that waste, but shall be listed on the shipping document  
13 in compliance with United States Department of Transportation  
14 and United States Postal Service requirements.

15 (f) The medical waste treatment facility which treats the sharps  
16 waste subject to this section shall maintain the shipping documents  
17 required by Section 118165 with regard to that sharps waste.

18 ~~SEC. 40. Section 117915 of the Health and Safety Code is~~  
19 ~~repealed.~~

20 ~~SEC. 41.~~

21 *SEC. 36.* Section 117918 of the Health and Safety Code is  
22 amended to read:

23 117918. Medical waste shall be treated using treatment  
24 technologies approved by the department in accordance with  
25 Chapter 8 (commencing with Section 118215).

26 ~~SEC. 42.~~

27 *SEC. 37.* Section 117920 of the Health and Safety Code is  
28 amended to read:

29 117920. The fee schedule specified in Section 117923 shall be  
30 for the issuance of medical waste registrations and for conducting  
31 inspections pursuant to this chapter when the department serves  
32 as the enforcement agency for small quantity generators. This fee  
33 schedule shall be adjusted annually in accordance with Section  
34 100425 to reflect the actual costs of implementing this chapter.  
35 Local enforcement agencies shall set fees that shall be sufficient  
36 to cover their costs in implementing this part with regard to small  
37 quantity generators required to be registered pursuant to Section  
38 117925.

1     ~~SEC. 43.~~

2     *SEC. 38.* Section 117924 of the Health and Safety Code is  
3 amended to read:

4     117924. (a) When the department is the enforcement agency,  
5 the department shall impose and cause the collection of an annual  
6 medical waste generator fee in an amount not to exceed twenty-five  
7 dollars (\$25) on small quantity generators of medical waste, except  
8 for those small quantity generators that are required to register  
9 pursuant to Section 117925 and those generators generating only  
10 pharmaceutical waste as defined in paragraph (3) of subdivision  
11 (b) of Section 117690. Nothing in this part shall prevent the  
12 department from contracting with entities other than the department  
13 for these fee collection activities or from entering into agreements  
14 with medical waste transporters for the collection of these fees, if  
15 the department determines that such a fee collection arrangement  
16 would be cost effective.

17     (b) If the department determines to enter into a contract with a  
18 medical waste transporter for the collection of the fees, the  
19 department shall do all of the following:

20     (1) Establish that not more than 7.5 percent of the fees collected  
21 may be recovered by the medical waste transporter as  
22 administrative costs for the collection of those fees.

23     (2) Establish that the administrative costs for the collection of  
24 the fees shall be the same for all medical waste transporters.

25     (3) Prohibit any medical waste transporter from waiving the  
26 generator fee without the written approval of the department and  
27 only if the medical waste generator has made a written request for  
28 the waiver.

29     (4) Require the medical waste transporter to report the fees  
30 collected pursuant to subdivision (a) to the department.

31     (5) Prohibit the medical waste transporter from assuming the  
32 role of the department as an enforcement agent for purposes of  
33 collecting the medical waste generator fees.

34     (6) Require medical waste transporters to include the following  
35 language in at least 12-point type on their invoices to medical  
36 waste generators:

37     “Pursuant to Section 117924 of the California Health and Safety  
38 Code, the State Department of Public Health has contracted with  
39 us to collect your annual medical waste generator fee. The  
40 department may offset our costs of collection and administration

1 in an amount that may not exceed 7.5 percent of the fee collected.  
2 We may not waive the fee without written approval of the  
3 department, and only if you have made a written request for the  
4 waiver.”

5 (7) Ensure that generators subject to this section are required  
6 to pay the fee only once per year.

7 ~~SEC. 44.~~

8 *SEC. 39.* Section 117933 of the Health and Safety Code is  
9 repealed.

10 ~~SEC. 45.~~

11 *SEC. 40.* Section 117935 of the Health and Safety Code is  
12 amended to read:

13 117935. ~~Any~~ A small quantity generator required to register  
14 with the enforcement agency pursuant to Section 117930 shall file  
15 with the enforcement agency a medical waste management plan;  
16 ~~containing, but not on forms prescribed by the enforcement agency,~~  
17 *if provided. The plans shall contain, but are not limited to, all of*  
18 *the following that apply:*

- 19 (a) The name of the person.
- 20 (b) The business address of the person.
- 21 (c) The type of business.
- 22 (d) The types, and the estimated average monthly quantity, of  
23 medical waste generated.
- 24 (e) The type of treatment used onsite.
- 25 (f) The name and business address of the registered hazardous  
26 waste hauler used by the generator for backup treatment and  
27 disposal, for waste when the onsite treatment method is not  
28 appropriate due to the hazardous or radioactive characteristics of  
29 the waste.
- 30 (g) The name of the registered hazardous waste hauler used by  
31 the generator to have untreated medical waste removed for  
32 treatment and disposal, *if applicable.*
- 33 (h) The name of the common carrier used by the generator to  
34 transport pharmaceutical waste offsite for treatment and disposal  
35 pursuant to Section 118032, *if applicable.*
- 36 (i) ~~The~~ *If applicable, the* steps taken to categorize the  
37 pharmaceutical wastes generated at the facility to ensure that the  
38 wastes are properly disposed of as follows:

1 (1) Pharmaceutical wastes classified by the federal Drug  
2 Enforcement Agency (DEA) as “controlled substances” are  
3 disposed of in compliance with DEA requirements.

4 (2) The name and business address of the *registered* hazardous  
5 waste hauler used by the generator to have wastes that are not  
6 regulated pursuant to the federal Resource Conservation and  
7 Recovery Act of 1976 and nonradioactive pharmaceutical wastes  
8 regulated as medical waste safely removed for treatment in  
9 compliance with subdivision (b) of Section 118222 as waste  
10 requiring specific methods.

11 (j) A closure plan for the termination of treatment at the facility  
12 *using, at a minimum, one of the methods of decontamination*  
13 *specified in subdivision (a) or (b) of Section 118295, thereby*  
14 *rendering the property to an acceptable sanitary condition*  
15 *following the completion of treatment services at the site.*

16 (k) A statement certifying that the information provided is  
17 complete and accurate.

18 ~~SEC. 46.~~

19 *SEC. 41.* Section 117938 of the Health and Safety Code is  
20 amended to read:

21 117938. (a) Small quantity generators using onsite steam  
22 sterilization, incineration, or microwave technology to treat medical  
23 waste are subject to biennial inspection of that onsite treatment  
24 facility by the enforcement agency and may be subject to the  
25 permitting requirements for onsite medical waste treatment  
26 facilities as determined by the enforcement agency.

27 (b) The permitting requirements of subdivision (a) do not apply  
28 when onsite steam sterilization is used for the treatment or disposal  
29 of medical waste.

30 (c) (1) The operators of the treatment equipment specified in  
31 subdivision (a) shall be required to receive training in the operation  
32 of the treatment equipment, proper protective equipment to wear,  
33 if any, how to clean up spills, and other information required to  
34 operate the treatment equipment in a safe and effective manner.  
35 ~~Annual refresher~~

36 (2) *Annual* training for the operators shall be provided after the  
37 initial training has been completed. ~~The~~

38 (3) *The* training shall be documented for each treatment operator  
39 and retained on file at the generator facility for a minimum of two  
40 years. *Training shall comply with applicable federal Occupational*

1 *Safety and Health Administration regulations, including those*  
2 *found in Section 1910 of Title 29 of the Code of Federal*  
3 *Regulations.*

4 ~~SEC. 47.~~

5 *SEC. 42.* Section 117940 of the Health and Safety Code is  
6 amended to read:

7 117940. (a) Each enforcement agency shall follow procedures  
8 consistent with this chapter in registering medical waste generators.

9 (b) Each medical waste generator registration for small quantity  
10 generators issued by the enforcement agency shall be valid for two  
11 years.

12 (c) An application for renewal of the registration for small  
13 quantity generators shall be filed with the enforcement agency on  
14 or before the expiration date.

15 (d) Generators shall submit ~~within 30 days~~ an updated  
16 application form when any of the information specified in their  
17 medical waste management plan, *created pursuant to Section*  
18 *117935*, changes. *The updated application form shall be submitted*  
19 *within 30 days of the change.*

20 ~~SEC. 48.~~

21 *SEC. 43.* Section 117943 of the Health and Safety Code is  
22 amended to read:

23 117943. (a) A medical waste generator required to register  
24 pursuant to this chapter shall maintain for a minimum of two years  
25 individual treatment operating records, and if applicable, shipping  
26 documents for all untreated medical waste shipped offsite for  
27 treatment, and shall report or submit to the enforcement agency,  
28 upon request, all of the following:

29 ~~(a)~~

30 (1) Treatment operating records. Operating records shall be  
31 maintained in written or electronic form.

32 ~~(b)~~

33 (2) An emergency action plan complying with regulations  
34 adopted by the department.

35 ~~(c)~~

36 (3) Shipping documents or electronically archived shipping  
37 documents maintained by the facility or medical waste hauler of  
38 all untreated medical waste shipped offsite for treatment.

39 ~~(d)~~

1 (b) Documentation shall be made available to the enforcement  
2 agency onsite as soon as feasible, but no more than two business  
3 days following the request.

4 ~~SEC. 49.~~

5 *SEC. 44.* Section 117945 of the Health and Safety Code is  
6 amended to read:

7 117945. (a) Small quantity generators who are not required  
8 to register pursuant to this chapter shall maintain on file in their  
9 office all of following:

10 ~~(a)~~

11 (1) An information document stating how the generator contains,  
12 stores, treats, and disposes of any medical waste generated through  
13 any act or process of the generator.

14 ~~(b)~~

15 (2) Records required by the United States Department of  
16 Transportation or the United States Postal Service of any medical  
17 waste shipped offsite for treatment and disposal. The small quantity  
18 generator shall maintain, or have available electronically at the  
19 facility or from the medical waste hauler or common carrier, these  
20 records, for not less than two years.

21 ~~(c)~~

22 (b) Documentation shall be made available to the enforcement  
23 agency onsite as soon as feasible, but no more than two days  
24 following the request.

25 ~~SEC. 50.~~

26 *SEC. 45.* Section 117946 is added to the Health and Safety  
27 Code, to read:

28 117946. (a) A small quantity medical waste generator or parent  
29 organization that employs health care professionals who generate  
30 medical waste may transport medical waste generated in limited  
31 quantities to the central location of accumulation, provided that  
32 all of the following are met:

33 (1) The principal business of the generator is not to transport  
34 or treat regulated medical waste.

35 (2) The generator shall adhere to the conditions and requirements  
36 set forth in the materials of trade exception, as specified in Section  
37 173.6 of Title 49 of the Code of Federal Regulations.

38 (3) A person transporting medical waste pursuant to this section  
39 shall provide a form or log to the receiving facility, and the

1 receiving facility shall maintain the form or log for a period of two  
2 years, containing all of the following information:

3 (A) The name of the person transporting the medical waste.

4 (B) The number of containers of medical waste transported.

5 (C) The date the medical waste was transported.

6 (b) A generator transporting medical waste pursuant to this  
7 section shall not be regulated as a hazardous waste hauler pursuant  
8 to Section 117660.

9 ~~SEC. 51.~~

10 *SEC. 46.* Section 117950 of the Health and Safety Code is  
11 amended to read:

12 117950. (a) Each large quantity generator, except as specified  
13 in subdivisions (b) and (c), shall register with the enforcement  
14 agency prior to commencement of the generation of medical waste.

15 (b) Large quantity generators operating as a business in the same  
16 building, or that are associated with a group practice in the same  
17 building, may register as one generator.

18 (c) Large quantity generators as specified in subdivision (a),  
19 operating in different buildings on the same or adjacent property,  
20 or as approved by the enforcement agency, may register as one  
21 generator.

22 (d) "Adjacent," for purposes of subdivision (c), means real  
23 property within 400 yards from the property boundary of the  
24 primary registration site. All federal transportation requirements  
25 specified in Section 173.6 of Part 49 of the Code of Federal  
26 Regulations shall apply for purposes of transporting medical waste  
27 from adjacent properties.

28 ~~SEC. 52.~~

29 *SEC. 47.* Section 117955 of the Health and Safety Code is  
30 repealed.

31 ~~SEC. 53.~~

32 *SEC. 48.* Section 117960 of the Health and Safety Code is  
33 amended to read:

34 117960. ~~Any~~ A large quantity generator required to register  
35 with the enforcement agency shall file with the enforcement agency  
36 a medical waste management plan ~~containing, but, on forms~~  
37 *prescribed by the enforcement agency, if provided. The plans shall*  
38 *contain, but are not limited to,* all of the following:

39 (a) The name of the person.

40 (b) The business address of the person.



1 (c) The type of business.

2 (d) The types, and the estimated average monthly quantity, of  
3 medical waste generated.

4 (e) The type of treatment used onsite, if applicable. For  
5 generators with onsite medical waste treatment facilities, the  
6 treatment capacity of the onsite treatment facility.

7 (f) The name and business address of the registered hazardous  
8 waste hauler used by the generator to have untreated medical waste  
9 removed for treatment, if applicable, and, if applicable, the name  
10 and business address of the common carrier transporting  
11 pharmaceutical waste pursuant to Section 118032.

12 (g) The name and business address of the offsite medical waste  
13 treatment facility to which the medical waste is being hauled, if  
14 applicable.

15 (h) An emergency action plan complying with regulations  
16 adopted by the department.

17 (i) If applicable, the steps taken to categorize the pharmaceutical  
18 wastes generated at the facility to ensure that the wastes are  
19 properly disposed of as follows:

20 (1) Pharmaceutical wastes classified by the federal Drug  
21 Enforcement Agency (DEA) as “controlled substances” are  
22 disposed of in compliance with DEA requirements.

23 (2) The name and business address of the hazardous waste hauler  
24 used by the generator to have wastes that are not regulated pursuant  
25 to the federal Resource Conservation and Recovery Act of 1976  
26 and nonradioactive pharmaceutical wastes regulated as medical  
27 wastes safely removed for treatment in compliance with subdivision  
28 (b) of Section 118222, as waste requiring specific methods.

29 (j) A closure plan for the termination of treatment at the facility  
30 *using, at a minimum, one of the methods of decontamination*  
31 *specified in subdivision (a) or (b) of Section 118295, thereby*  
32 *rendering the property to an acceptable sanitary condition*  
33 *following the completion of treatment services at the site.*

34 (k) A statement certifying that the information provided is  
35 complete and accurate.

36 ~~SEC. 54.~~

37 *SEC. 49.* Section 117967 is added to the Health and Safety  
38 Code, to read:

39 117967. (a) Large quantity generators that treat medical waste  
40 onsite using steam sterilization, incineration, microwave

1 technology, or other department approved treatment technology  
2 to treat medical waste shall train the operators of the equipment  
3 in its use, proper protective equipment to wear, if necessary, and  
4 how to clean up spills to ensure that the equipment is being  
5 operated in a safe and effective manner. ~~Annual refresher~~

6 (b) *Annual* training for the operators shall be provided after the  
7 initial training has been completed. ~~The~~

8 (c) *The* training shall be documented and the documentation  
9 shall be retained at the facility for a minimum of two years.  
10 *Training shall comply with applicable federal Occupational Safety*  
11 *and Health Administration regulations, including those found in*  
12 *Section 1910 of Title 29 of the Code of Federal Regulations.*

13 ~~SEC. 55.~~

14 *SEC. 50.* Section 117970 of the Health and Safety Code is  
15 amended to read:

16 117970. (a) Each enforcement agency shall follow procedures  
17 consistent with this chapter in registering medical waste generators.

18 (b) Each medical waste registration issued by the enforcement  
19 agency for large quantity generators shall be valid for one year.

20 (c) An application for renewal of the registration shall be filed  
21 with the enforcement agency not less than 90 days prior to the  
22 expiration date. Failure to meet this requirement shall result in an  
23 assessment of a late fee.

24 (d) Generators shall update their medical waste management  
25 plan ~~within 30 days, established pursuant to Section 117960,~~ when  
26 any of the information in ~~their medical waste management~~ *the plan*  
27 changes and shall have the plan on file for review during an  
28 inspection or upon request. *The updated plan shall be submitted*  
29 *within 30 days of the change.*

30 ~~SEC. 56.~~

31 *SEC. 51.* Section 117975 of the Health and Safety Code is  
32 repealed.

33 ~~SEC. 57.~~

34 *SEC. 52.* Section 117975 is added to the Health and Safety  
35 Code, to read:

36 117975. (a) A large quantity medical waste generator required  
37 to register pursuant to this chapter shall maintain for a minimum  
38 of two years individual treatment records and shipping documents  
39 for all untreated medical waste shipped offsite for treatment. The

1 generator shall report or submit to the enforcement agency, upon  
2 request, all of the following:

3 (1) Treatment operating records. Operating records shall be  
4 maintained in written or electronic form.

5 (2) An emergency action plan in accordance with regulations  
6 adopted by the department.

7 (3) Shipping documents or electronically archived shipping  
8 documents maintained by the facility or medical waste hauler of  
9 all untreated medical wastes shipped offsite for treatment.

10 (b) Documentation shall be made available to the enforcement  
11 agency onsite as soon as feasible, but no more than two business  
12 days following the request.

13 ~~SEC. 58.~~

14 *SEC. 53.* Section 117976 is added to the Health and Safety  
15 Code, to read:

16 117976. (a) A large quantity medical waste generator or parent  
17 organization that employs health care professionals who generate  
18 medical waste may transport medical waste generated in limited  
19 quantities to the central location of accumulation, provided that  
20 all of the following are met:

21 (1) The principal business of the generator is not to transport  
22 or treat regulated medical waste.

23 (2) The generator shall adhere to the conditions and requirements  
24 set forth in the materials of trade exception, as specified in Section  
25 173.6 of Title 49 of the Code of Federal Regulations.

26 (3) A person transporting medical waste pursuant to this section  
27 shall provide a form or log to the receiving facility, and the  
28 receiving facility shall maintain the form or log for a period of two  
29 years, containing all of the following information:

30 (A) The name of the person transporting the medical waste.

31 (B) The number of containers of medical waste transported.

32 (C) The date the medical waste was transported.

33 (b) A generator transporting medical waste pursuant to this  
34 section shall not be regulated as a hazardous waste hauler pursuant  
35 to Section 117660.

36 ~~SEC. 59. Section 117980 of the Health and Safety Code is~~  
37 ~~repealed.~~

38 ~~SEC. 60. Section 117985 of the Health and Safety Code is~~  
39 ~~repealed.~~

1     *SEC. 54. Section 117985 of the Health and Safety Code is*  
2     *amended to read:*

3     ~~117985. Treatment of medical~~ *Medical waste shall be treated*  
4     *using treatment technologies approved* in accordance with Chapter  
5     8 (commencing with Section 118215).

6     ~~SEC. 61.~~

7     *SEC. 55. Section 117990 of the Health and Safety Code is*  
8     *amended to read:*

9     117990. The fee schedule specified in Section 117995 shall be  
10    for the issuance of medical waste registrations and onsite medical  
11    waste treatment facility permits when the department serves as the  
12    enforcement agency for large quantity generators. This fee schedule  
13    shall be adjusted annually in accordance with Section 100425.  
14    Local enforcement agencies shall set fees that shall be sufficient  
15    to cover their costs in implementing this part with regard to large  
16    quantity generators.

17    ~~SEC. 62.~~

18    *SEC. 56. Section 118000 of the Health and Safety Code is*  
19    *amended to read:*

20    118000. (a) Medical waste shall only be transported to a  
21    permitted medical waste treatment facility, or to a transfer station  
22    or another registered generator for the purpose of consolidation  
23    before treatment and disposal.

24    (b) Facilities for the transfer of medical waste shall be annually  
25    inspected and issued permits in accordance with the regulations  
26    adopted pursuant to this part.

27    (c) Medical waste transported out of state shall be consigned to  
28    a permitted medical waste treatment facility in the receiving state.  
29    If there is no permitted medical waste treatment facility in the  
30    receiving state or if the medical waste is crossing an international  
31    border, the medical waste shall be treated in accordance with  
32    Chapter 8 (commencing with Section 118215) prior to being  
33    transported out of the state.

34    ~~SEC. 63.~~

35    *SEC. 57. Section 118005 of the Health and Safety Code is*  
36    *repealed.*

37    ~~SEC. 64.~~

38    *SEC. 58. Section 118025 of the Health and Safety Code is*  
39    *amended to read:*

1 118025. All medical waste shall be hauled by a registered  
2 hazardous waste hauler, the United States Postal Service, or by a  
3 person with an exception granted pursuant to Section 117946 for  
4 small quantity generators or pursuant to Section 117976 for large  
5 quantity generators.

6 ~~SEC. 65.~~

7 *SEC. 59.* Section 118027 of the Health and Safety Code is  
8 amended to read:

9 118027. A person who is authorized to collect solid waste, as  
10 defined in Section 40191 of the Public Resources Code, who  
11 unknowingly transports medical waste to a solid waste facility, as  
12 defined in Section 40194 of the Public Resources Code, incidental  
13 to the collection of solid waste, is exempt from the provisions of  
14 the Medical Waste Management Act with regard to that waste. If  
15 a solid waste transporter discovers that he or she has hauled  
16 untreated medical waste to a landfill or materials recovery facility,  
17 he or she shall contact the originating generator of the medical  
18 waste to respond to the landfill or recovery facility to provide  
19 ultimate proper disposal of the medical waste. The solid waste  
20 facility operator may, at its discretion and after contacting the  
21 generator, make arrangements for the proper treatment and disposal  
22 of the medical waste at a facility approved by the department. Title  
23 to the waste remains with the generator. Reimbursement costs for  
24 the proper management of discovered waste shall be the originating  
25 generator's responsibility.

26 ~~SEC. 66.~~

27 *SEC. 60.* Section 118029 of the Health and Safety Code is  
28 amended to read:

29 118029. (a) Haulers of medical waste in California, with the  
30 exception of those using a materials of trade exception as specified  
31 in Sections 117946 and 117976, and United States Department of  
32 Transportation licensed common carriers hauling pharmaceutical  
33 waste, shall meet all United States Department of Transportation  
34 requirements for transporting medical waste and shall be hazardous  
35 waste haulers in California. On or before July 1, of each year, a  
36 registered hazardous waste hauler that transports medical waste  
37 shall so notify the department, and provide, in a format that  
38 conforms to the protocol requirements for submission of data to  
39 the department, the following information:

40 (1) Business name, address, and telephone number.

1 (2) Name of owner, operator, and contact person.

2 (3) Hazardous waste transporter registration number.

3 (4) The number of vehicles and trailers transporting medical  
4 waste within the state as of that date.

5 (5) Types and quantities of medical waste collected, in pounds.

6 (6) The names of the generators whose waste has been  
7 transported by the hauler and the amounts of medical waste  
8 transported, by waste type category.

9 (b) Each registered hazardous waste hauler shall provide to the  
10 department a list of all medical waste generators serviced by that  
11 person during the previous 12 months. That list shall include the  
12 business name, business address, mailing address, telephone  
13 number, and other information as required by the department to  
14 collect annual fees pursuant to Section 117924. The list shall be  
15 provided to the department within 10 days of the close of the  
16 earliest calendar quarter ending September 30, December 31,  
17 March 31, or June 30, or as otherwise required by the department.

18 ~~SEC. 67.~~

19 *SEC. 61.* Section 118030 of the Health and Safety Code is  
20 repealed.

21 ~~SEC. 68.~~

22 *SEC. 62.* Section 118032 of the Health and Safety Code is  
23 amended to read:

24 118032. A pharmaceutical waste generator or parent  
25 organization that employs health care professionals who generate  
26 pharmaceutical waste is exempt from the requirements of  
27 subdivision (a) of Section 118000 if all of the following  
28 requirements are met:

29 (a) The generator or parent organization has on file one of the  
30 following:

31 (1) If the generator or parent organization is a small quantity  
32 generator required to register pursuant to Chapter 4 (commencing  
33 with Section 117925), a medical waste management plan prepared  
34 pursuant to Section 117935.

35 (2) If the generator or parent organization is a small quantity  
36 generator not required to register pursuant to Chapter 4  
37 (commencing with Section 117925), the information document  
38 maintained pursuant to subdivision (a) of Section 117945.

1 (3) If the generator or parent organization is a large quantity  
2 generator, a medical waste management plan prepared pursuant  
3 to Section 117960.

4 (b) The generator or health care professional who generated the  
5 pharmaceutical waste transports the pharmaceutical waste himself  
6 or herself, or directs a member of his or her staff to transport the  
7 pharmaceutical waste to a parent organization or another health  
8 care facility for the purpose of consolidation before treatment and  
9 disposal, or contracts with a common carrier to transport the  
10 pharmaceutical waste to a permitted medical waste treatment  
11 facility or transfer station.

12 (c) Except as provided in subdivision (d), all of the following  
13 requirements are met:

14 (1) Prior to shipment of the pharmaceutical waste, the generator  
15 notifies the intended destination facility that it is shipping  
16 pharmaceutical waste to it and provides a copy of the shipping  
17 document, as specified in Section 117770.

18 (2) The generator and the facility receiving the pharmaceutical  
19 waste maintain the shipping document, as specified in Section  
20 117770.

21 (3) The facility receiving the pharmaceutical waste notifies the  
22 generator of the receipt of the pharmaceutical waste shipment and  
23 any discrepancies between the items received and the shipping  
24 document, as specified in Section 117770, evidencing diversion  
25 of the pharmaceutical waste.

26 (4) The generator notifies the enforcement agency of any  
27 discrepancies between the items received and the shipping  
28 document, as specified in Section 117770, evidencing diversion  
29 of the pharmaceutical waste.

30 (d) (1) Notwithstanding subdivision (c), if a health care  
31 professional who generates pharmaceutical waste returns the  
32 pharmaceutical waste to the parent organization for the purpose  
33 of consolidation before treatment and disposal over a period of  
34 time, a single-page form or multiple entry log may be substituted  
35 for the tracking document, if the form or log contains all of the  
36 following information:

37 (A) The name of the person transporting the pharmaceutical  
38 waste.

39 (B) The number of containers of pharmaceutical waste. This  
40 clause does not require any generator to maintain a separate

1 pharmaceutical waste container for every patient or to maintain  
2 records as to the specified source of the pharmaceutical waste in  
3 any container.

4 (C) The date that the pharmaceutical waste was returned.

5 (2) The form or log described in paragraph (1) shall be  
6 maintained in the files of the health care professional who generates  
7 the pharmaceutical waste and the parent organization or another  
8 health care facility that receives the pharmaceutical waste.

9 (3) This subdivision does not prohibit the use of a single  
10 document to verify the return of more than one container to a parent  
11 organization or another health care facility, provided the form or  
12 log meets the requirements specified in paragraphs (1) and (2).

13 ~~SEC. 69.~~

14 *SEC. 63.* Section 118040 of the Health and Safety Code is  
15 repealed.

16 ~~SEC. 70.~~

17 *SEC. 64.* Section 118045 of the Health and Safety Code is  
18 amended to read:

19 118045. (a) The department shall charge an application fee  
20 for a permit for a transfer station equal to one hundred dollars  
21 (\$100) for each hour which the department spends on processing  
22 the application, but not more than ten thousand dollars (\$10,000).

23 (b) In addition to the fee specified in subdivision (a), the annual  
24 permit fee for a transfer station is two thousand dollars (\$2,000).

25 ~~SEC. 71.~~

26 *SEC. 65.* Section 118135 of the Health and Safety Code is  
27 amended to read:

28 118135. Each person operating an offsite medical waste  
29 treatment facility shall obtain a permit pursuant to this chapter  
30 from the department prior to commencement of the treatment  
31 facility's operation.

32 ~~SEC. 72.~~

33 *SEC. 66.* Section 118150 of the Health and Safety Code is  
34 amended to read:

35 118150. Each enforcement agency shall follow procedures that  
36 are consistent with the Medical Waste Management Act and the  
37 regulations adopted pursuant to this chapter, when issuing medical  
38 waste permits.



~~SEC. 73.~~

SEC. 67. Section 118155 of the Health and Safety Code is amended to read:

118155. A person required to obtain an offsite medical waste treatment facility permit pursuant to this part shall file with the enforcement agency an application containing, but not limited to, all of the following:

(a) The name of the applicant.

(b) The business address of the applicant.

(c) The type of treatment provided, the treatment capacity of the facility, a characterization of the waste treated at this facility *and the estimated average monthly quantity of waste treated at the facility.*

(d) A disclosure statement, as provided in Section 25112.5, except for onsite medical waste treatment facilities.

(e) A plan for closure of the facility using, *at minimum*, one of the methods of decontamination specified in subdivision (a) or (b) of Section 118295, thereby rendering the property to an acceptable sanitary condition following the ending of treatment services at the site.

(f) Any other information required by the enforcement agency for the administration or enforcement of this part or the regulations adopted pursuant to this part.

~~SEC. 74.~~

SEC. 68. Section 118160 of the Health and Safety Code is amended to read:

118160. (a) Prior to issuing or renewing a permit for an offsite medical waste treatment facility, the department shall review the compliance history of the applicant, under any local, state, or federal law or regulation governing the control of medical waste or pollution.

(b) The department shall, pursuant to this section, deny a permit, or specify additional permit conditions, to ensure compliance with applicable regulations, if the department determines that in the three-year period preceding the date of application the applicant has violated laws or regulations identified in subdivision (a) at a facility owned or operated by the applicant, and the violations demonstrate a recurring pattern of noncompliance or pose, or have posed, a significant risk to public health and safety or to the environment.

(c) In making the determination of whether to deny a permit or to specify additional permit conditions, the department shall take both of the following into consideration:

(1) Whether a permit denial or permit condition is appropriate or necessary given the severity of the violation.

(2) Whether the violation has been corrected in a timely fashion.

~~SEC. 75.~~

*SEC. 69.* Section 118205 of the Health and Safety Code is amended to read:

118205. The fee schedule specified in Section 118210 shall cover the issuance of medical waste treatment facility permits and an inspection program, when the department serves as the enforcement agency. This fee schedule shall be adjusted annually in accordance with Section 100425. The department may adjust by regulation the fees specified in Section 118210 to reflect the actual costs of implementing this chapter. Local enforcement agencies shall set fees that shall be sufficient to cover their costs in implementing this part with regard to large quantity generators.

~~SEC. 76.~~

*SEC. 70.* Section 118215 of the Health and Safety Code is amended to read:

118215. (a) Except as provided in subdivisions (b) and (c), a person generating or treating medical waste shall ensure that the medical waste is treated by one of the following methods, thereby rendering it solid waste, as defined in Section 40191 of the Public Resources Code, prior to disposal:

(1) (A) Incineration at a permitted medical waste treatment facility in a controlled-air, multichamber incinerator, or other method of incineration approved by the department which provides complete combustion of the waste into carbonized or mineralized ash.

(B) Treatment with an alternative technology approved pursuant to paragraph (3), which, due to the extremely high temperatures of treatment in excess of 1300 degrees Fahrenheit, has received express approval from the department.

(2) Steam sterilization at a permitted medical waste treatment facility or by other sterilization, in accordance with all of the following operating procedures for steam sterilizers or other sterilization:

1 (A) Standard written operating procedures shall be established  
2 for biological indicators, or for other indicators of adequate  
3 sterilization approved by the department, for each steam sterilizer,  
4 including time, temperature, pressure, type of waste, type of  
5 container, closure on container, pattern of loading, water content,  
6 and maximum load quantity.

7 (B) Recording or indicating thermometers shall be checked  
8 during each complete cycle to ensure the attainment of 121°  
9 Centigrade (250° Fahrenheit) for at least one-half hour, depending  
10 on the quantity and density of the load, to achieve sterilization of  
11 the entire load. Thermometers, thermocouples, or other monitoring  
12 devices identified in the facility operating plan shall be checked  
13 for calibration annually. Records of the calibration checks shall  
14 be maintained as part of the facility's files and records for a period  
15 of two years or for the period specified in the regulations.

16 (C) Heat-sensitive tape, or another method acceptable to the  
17 enforcement agency, shall be used on each biohazard bag or sharps  
18 container that is processed onsite to indicate that the waste went  
19 through heat treatment. If the biohazard bags or sharps containers  
20 are placed in a large liner bag within the autoclave for treatment,  
21 heat-sensitive tape or another method acceptable to the enforcement  
22 agency only needs to be placed on the liner bag and not on every  
23 hazardous waste bag or sharps container being treated.

24 (D) The biological indicator *Geobacillus stearothermophilus*,  
25 or other indicator of adequate sterilization as approved by the  
26 department, shall be placed at the center of a load processed under  
27 standard operating conditions at least monthly to confirm the  
28 attainment of adequate sterilization conditions.

29 (E) Records of the procedures specified in subparagraphs (A),  
30 (B), and (D) shall be maintained for a period of not less than two  
31 years.

32 (3) (A) Other alternative medical waste treatment methods  
33 which are both of the following:

34 (i) Approved by the department.

35 (ii) Result in the destruction of pathogenic micro-organisms.

36 (B) Any alternative medical waste treatment method proposed  
37 to the department shall be evaluated by the department and either  
38 approved or rejected pursuant to the criteria specified in this  
39 subdivision.

(b) Fluid blood or fluid blood products may be discharged to a public sewage system without treatment if its discharge is consistent with waste discharge requirements placed on the public sewage system by the California regional water quality control board with jurisdiction.

(c) (1) A medical waste that is a biohazardous laboratory waste, as defined in *subparagraph (B) of paragraph (1) of subdivision (b) of Section 117690*, may be treated by a chemical disinfection if the waste is liquid or semiliquid and the chemical disinfection method is recognized by the National Institutes of Health, the Centers for Disease Control and Prevention, or the American Biological Safety Association, and if the use of chemical disinfection as a treatment method is identified in the site's medical waste management plan.

(2) If the waste is not treated by chemical disinfection, in accordance with paragraph (1), the waste shall be treated by one of the methods specified in subdivision (a).

(3) Following treatment by chemical disinfection, the medical waste may be discharged to the public sewage system if the discharge is consistent with waste discharge requirements placed on the public sewage system by the California regional water control board, and the discharge is in compliance with the requirements imposed by the owner or operator of the public sewage system. If the chemical disinfection of the medical waste causes the waste to become a hazardous waste, the waste shall be managed in accordance with the requirements of Chapter 6.5 (commencing with Section 25100) of Division 20.

~~SEC. 77.~~

*SEC. 71.* Section 118220 of the Health and Safety Code is amended to read:

118220. Pathology waste, with the exception of teeth waste of a human nature, as defined in *subparagraph (A) of paragraph (2) of subdivision (b) of Section 117690*, shall be disposed of by interment, incineration, or alternative treatment technologies approved to treat this type of waste, *pursuant to paragraph (1) or paragraph (3) of subdivision (a) of Section 118215*.

~~SEC. 78.~~

*SEC. 72.* Section 118222 of the Health and Safety Code is amended to read:

1 118222. (a) Pathology waste that meets the conditions of  
2 paragraph (2) of subdivision (b) of Section 117690 and trace  
3 chemotherapy waste that meets the conditions of paragraph (5) of  
4 subdivision (b) of Section 117690 shall be treated by incineration  
5 or alternative treatment technologies approved to treat that waste  
6 pursuant to paragraph (1) or paragraph (3) of subdivision (a) of  
7 Section 118215 prior to disposal.

8 (b) Pharmaceutical waste from health care settings that meets  
9 the conditions specified in paragraph (3) of subdivision (b) of  
10 Section 117690 shall be treated by incineration or alternative  
11 treatment technologies approved to treat that waste pursuant to  
12 paragraph (1) or paragraph (3) of subdivision (a) of Section 118215  
13 prior to disposal.

14 ~~SEC. 79.~~

15 *SEC. 73.* Section 118240 of the Health and Safety Code is  
16 amended to read:

17 118240. Notwithstanding Section 9141 of the Food and  
18 Agricultural Code, animals that die from infectious diseases or  
19 that are euthanized because they are suspected of having been  
20 exposed to infectious disease shall be treated with a treatment  
21 technology approved by the department for that use if, in the  
22 opinion of the attending veterinarian or local health officer, the  
23 carcass presents a danger of infection to humans.

24 ~~SEC. 80.~~

25 *SEC. 74.* Section 118245 of the Health and Safety Code is  
26 amended to read:

27 118245. The department shall charge an application fee for  
28 evaluation of an alternative treatment technology of two thousand  
29 five hundred dollars (\$2,500) and shall charge an additional fee  
30 equal to one hundred dollars (\$100) per hour for each hour which  
31 the department spends on processing the application, but not more  
32 than a total of five thousand dollars (\$5,000).

33 ~~SEC. 81.~~

34 *SEC. 75.* Section 118275 of the Health and Safety Code is  
35 amended to read:

36 118275. (a) To containerize or store medical waste, at the  
37 point of generation and while collected in that room, a person shall  
38 do all of the following:

39 (1) Medical waste, as defined in Section 117690, shall be  
40 contained separately from other waste at the point of origin in the

1 producing facility. Sharps containers may be placed in biohazard  
2 bags or in containers with biohazard bags.

3 (2) Biohazardous waste, as defined in paragraph (1) of  
4 subdivision (b) of Section 117690, shall be placed in a ~~red~~  
5 biohazard bag conspicuously labeled with the words “Biohazardous  
6 Waste” or with the international biohazard symbol and the word  
7 “BIOHAZARD.”

8 (3) Sharps waste, as defined in paragraph (4) of subdivision (b)  
9 of Section 117690, including sharps and pharmaceutical waste  
10 containerized pursuant to paragraph (7), shall be contained in a  
11 United States Food and Drug Administration (USFDA) approved  
12 sharps container that meets USFDA labeling requirements and is  
13 handled pursuant to Section 118285.

14 (4) Trace chemotherapy waste, as defined in paragraph (5) of  
15 subdivision (b) of Section 117690, shall be segregated for storage,  
16 and, when placed in a secondary container, that container shall be  
17 labeled with the words “Chemotherapy Waste,” “CHEMO,” or  
18 other label approved by the department on the sides, so as to be  
19 visible from any lateral direction, to ensure treatment of the  
20 biohazardous waste pursuant to Section 118222. Sharps waste that  
21 is contaminated through contact with, or having previously  
22 contained, chemotherapeutic agents, shall be placed in sharps  
23 containers labeled in accordance with the industry standard with  
24 the words “Chemotherapy Waste,” “Chemo,” or other label  
25 approved by the department, and shall be segregated to ensure  
26 treatment of the sharps waste pursuant to Section 118222.

27 (5) Pathology waste, as defined in paragraph (2) of subdivision  
28 (b) of Section 117690, shall be segregated for storage and, when  
29 placed in a secondary container, that container shall be labeled  
30 with the words “Pathology Waste,” “PATH,” or other label  
31 approved by the department on the sides, so as to be visible from  
32 any lateral direction, to ensure treatment of the waste pursuant to  
33 Section 118222.

34 (6) Pharmaceutical waste, as defined in paragraph (3) of  
35 subdivision (b) of Section 117690, shall be segregated for storage  
36 in accordance with the facility’s medical waste management plan  
37 to ensure that it is properly containerized for disposal in compliance  
38 with United States Department of Transportation and United States  
39 Drug Enforcement Agency (DEA) requirements.

1 (A) Pharmaceutical wastes classified by the DEA as “controlled  
2 substances” shall be disposed of in compliance with DEA  
3 requirements.

4 (B) Nonradioactive pharmaceutical wastes that are not subject  
5 to the federal Resource Conservation and Recovery Act of 1976  
6 (Public Law 94-580), as amended, and that are regulated as medical  
7 waste are placed in a container or secondary container labeled with  
8 the words “INCINERATION ONLY,” “PHARMACEUTICAL”  
9 or other label approved by the department on the sides, so as to be  
10 visible from any lateral direction, to ensure treatment of the  
11 biohazardous waste pursuant to Section 118222.

12 (7) A person may consolidate into a common container, which  
13 may be reusable, sharps waste, as defined in paragraph (4) of  
14 subdivision (b) of Section 117690, and pharmaceutical wastes, as  
15 defined in paragraph (3) subdivision (b) of Section 117690,  
16 provided that the consolidated waste is ~~treated~~ *incinerated* pursuant  
17 to paragraph (1) of subdivision (a) of Section 118215 and the  
18 container meets the requirements of Section 118285. The container  
19 shall be labeled with the biohazardous waste symbol and the words  
20 “HIGH HEAT ONLY,” “INCINERATION,” or other label  
21 approved by the department on the sides, so as to be visible from  
22 any lateral direction, to ensure treatment of the waste pursuant to  
23 this subdivision.

24 (b) To containerize medical waste being held for shipment  
25 offsite for treatment, the waste shall be labeled, as outlined in  
26 subdivision (a), on the sides of the container.

27 (c) When medical waste is containerized pursuant to  
28 subdivisions (a) and (b) there is no requirement to label the  
29 containers with the date that the waste started to accumulate.

30 ~~SEC. 82.~~

31 *SEC. 76.* Section 118280 of the Health and Safety Code is  
32 amended to read:

33 118280. To containerize biohazard bags, a person shall do all  
34 of the following:

35 (a) The bags shall be tied to prevent leakage or expulsion of  
36 contents during all future storage, handling, or transport in  
37 compliance with United States Department of Transportation  
38 requirements.

39 (b) (1) Medical waste may be placed into a biohazard bag and  
40 tied, as required in subdivision (a), in a patient room and shall be

1 immediately transported upon completion of the procedure directly  
2 from the point of generation and placed into a biohazard container  
3 stored in a soiled utility room or other biohazardous waste storage  
4 area without having first been placed into a secondary container  
5 in the patient room.

6 (2) Medical waste may be placed into a biohazard bag hung on  
7 a hamper stand in a surgery suite and the bag removed from the  
8 hamper stand after completion of the procedure, taken out of the  
9 surgery suite, and placed into a biohazard container stored in a  
10 soiled utility room or other biohazard waste storage area.

11 (c) Biohazardous waste, except as provided in subdivision (b),  
12 shall be bagged in accordance with subdivision (b) of Section  
13 118275 and placed for storage, handling, or transport in a rigid  
14 container that may be disposable, reusable, or recyclable.  
15 Containers shall be leak resistant, have tight-fitting covers, and be  
16 kept clean and in good repair. Containers may be recycled with  
17 the approval of the enforcement agency. Containers may be of any  
18 color and shall be labeled with the words "Biohazardous Waste"  
19 or with the international biohazard symbol and the word  
20 "BIOHAZARD" on the sides so as to be visible from any lateral  
21 direction. Containers shall comply with United States Department  
22 of Transportation requirements.

23 (d) Biohazardous waste shall not be removed from the biohazard  
24 bag until treatment as prescribed in Chapter 8 (commencing with  
25 Section 118215) is completed, except to eliminate a safety hazard,  
26 or by the enforcement officer in performance of an investigation  
27 pursuant to Section 117820. Biohazardous waste shall not be  
28 disposed of before being treated as prescribed in Chapter 8  
29 (commencing with Section 118215).

30 (e) (1) Except as provided in paragraph (5), a person generating  
31 biohazardous waste shall comply with the following requirements:

32 (A) If the person generates 20 or more pounds of biohazardous  
33 waste per month, the person shall not contain or store that waste  
34 above 0° Centigrade (32° Fahrenheit) at an onsite location for more  
35 than seven days without obtaining prior written approval of the  
36 enforcement agency.

37 (B) If a person generates less than 20 pounds of biohazardous  
38 waste per month, the person shall not contain or store that waste  
39 above 0° Centigrade (32° Fahrenheit) at an onsite location for more  
40 than 30 days.



1 (2) A person may store biohazardous waste at or below 0°  
2 Centigrade (32° Fahrenheit) at an onsite location for not more than  
3 90 days without obtaining prior written approval of the enforcement  
4 agency.

5 (3) A person may store biohazardous waste at a permitted  
6 transfer station at or below 0° Centigrade (32° Fahrenheit) for not  
7 more than 30 days without obtaining prior written approval of the  
8 enforcement agency. A transfer station that does not have storage  
9 capacity at or below 0° Centigrade (32° Fahrenheit) may only store  
10 waste for a maximum of three days without obtaining prior written  
11 approval of the enforcement agency.

12 (4) A person shall not store biohazardous waste above 0°  
13 Centigrade (32° Fahrenheit) at a location or facility that is offsite  
14 from the generator for more than seven days before treatment.

15 (5) Notwithstanding paragraphs (1) to (4), inclusive, if the odor  
16 from biohazardous or sharps waste stored at a facility poses a  
17 nuisance, the enforcement agency may require more frequent  
18 removal.

19 (f) Waste that meets the definition of pharmaceutical waste in  
20 paragraph (3) of subdivision (b) of Section 117690 shall not be  
21 subject to the limitations on storage time prescribed in subdivision  
22 (e). A person may store that pharmaceutical waste at an onsite  
23 location for not longer than 90 days when the container is ready  
24 for disposal, unless prior written approval from the enforcement  
25 agency is obtained. The container shall be emptied at least once  
26 per year, unless prior written approval from the enforcement agency  
27 is obtained. A person may store that pharmaceutical waste at a  
28 permitted transfer station for not longer than 30 days without  
29 obtaining prior written approval from the enforcement agency. A  
30 person shall not store pharmaceutical waste at a location or facility  
31 that is offsite from the generator for more than 30 days before  
32 treatment.

33 (g) The containment and storage time for wastes consolidated  
34 in a common container pursuant to paragraph (7) of subdivision  
35 (a) of Section 118275 shall not exceed the storage time for any  
36 category of waste set forth in this section.

37 ~~SEC. 83.~~

38 *SEC. 77.* Section 118286 of the Health and Safety Code is  
39 amended to read:

1 118286. (a) A person shall not knowingly place  
2 home-generated sharps waste in any of the following containers:

3 (1) Any container used for the collection of solid waste,  
4 recyclable materials, or greenwaste.

5 (2) Any container used for the commercial collection of solid  
6 waste or recyclable materials from business establishments.

7 (3) Any roll-off container used for the collection of solid waste,  
8 construction, and demolition debris, greenwaste, or other recyclable  
9 materials.

10 (b) Home-generated sharps waste shall be transported only in  
11 a sharps container, or other containers approved by the enforcement  
12 agency, and shall only be managed at any of the following:

13 (1) A household hazardous waste facility pursuant to Section  
14 25218.13.

15 (2) A “home-generated sharps consolidation point” as defined  
16 in subdivision (b) of Section 117904.

17 (3) A medical waste generator’s facility pursuant to Section  
18 118147.

19 (4) A facility through the use of a medical waste mail-back  
20 container approved by the United States Postal Service.

21 ~~SEC. 84.~~

22 *SEC. 78.* Section 118307 of the Health and Safety Code is  
23 amended to read:

24 118307. Medical waste that is stored in an area prior to transfer  
25 to the designated accumulation area, as defined in Section 118310,  
26 shall be stored in an area that is either locked or under direct  
27 supervision or surveillance. Intermediate storage areas shall be  
28 marked with the international biohazard symbol or the signage  
29 described in Section 118310. These warning signs shall be readily  
30 legible from a distance of five feet. This section does not apply to  
31 the rooms in which medical waste is generated.

32 ~~SEC. 85.~~

33 *SEC. 79.* Section 118321.1 of the Health and Safety Code is  
34 amended to read:

35 118321.1. (a) A trauma scene waste management practitioner  
36 shall register with the department on forms provided by the  
37 department.

38 (b) The department shall register a trauma scene waste  
39 management practitioner and issue a trauma scene waste hauling  
40 permit to a trauma scene waste management practitioner who

1 submits a completed application form and the registration fee,  
2 upon approval of the application by the department.

3 (c) A registered trauma scene waste management practitioner  
4 is exempt from the registration requirements imposed pursuant to  
5 Chapter 6 (commencing with Section 118025) or Article 6.5  
6 (commencing with Section 25167.1) of Chapter 6.5 of Division  
7 20 upon haulers of medical waste.

8 (d) Registered trauma scene waste management practitioners  
9 shall pay an annual fee of two hundred dollars (\$200) to the  
10 department for deposit in the fund. The fee revenues deposited in  
11 the fund pursuant to this subdivision may be expended by the  
12 department, upon appropriation by the Legislature, for the  
13 implementation of this chapter.

14 ~~SEC. 86.~~

15 *SEC. 80.* Section 118321.5 of the Health and Safety Code is  
16 amended to read:

17 118321.5. (a) Trauma scene waste shall be removed from the  
18 trauma scene immediately upon completion of the removal phase  
19 of a trauma scene waste removal operation.

20 (b) Trauma scene waste shall be transported to a permitted  
21 medical waste transfer station or treatment facility pursuant to the  
22 conditions and requirements set forth in the materials of trade  
23 exception specified in Section 173.6 of Title 49 of the Code of  
24 Federal Regulations, or may be stored in a dedicated freezer at the  
25 business location of the trauma scene waste management  
26 practitioner for a period of not more than 14 days, or as otherwise  
27 approved by the department.

28 ~~SEC. 87.~~

29 *SEC. 81.* Section 118335 of the Health and Safety Code is  
30 amended to read:

31 118335. (a) In order to carry out the purpose of this part, any  
32 authorized representative of the enforcement agency may do any  
33 of the following:

34 (1) Enter and inspect a facility for which a medical waste permit  
35 or registration has been issued, for which a medical waste permit  
36 or registration application has been filed, or that is subject to  
37 registration or permitting requirements pursuant to this part. Enter  
38 and inspect a vehicle for which a hazardous waste hauler  
39 registration has been issued, for which an application has been

1 filed for a hazardous waste hauler registration, or that is subject  
2 to registration requirements pursuant to this part.

3 (2) Inspect and copy any records, reports, test results, or other  
4 information related to the requirements of this part or the  
5 regulations adopted pursuant to this part.

6 (b) The inspection shall be made with the consent of the owner  
7 or possessor of the facilities or, if consent is refused, with a warrant  
8 duly issued pursuant to Title 13 (commencing with Section  
9 1822.50) of Part 3 of the Code of Civil Procedure. However, in  
10 the event of an emergency affecting the public health or safety, an  
11 inspection may be made without consent or the issuance of a  
12 warrant.

13 (c) Any traffic officer, as defined in Section 625 of the Vehicle  
14 Code, and any peace officer, as defined in Section 830.1 or 830.2  
15 of the Penal Code, may enforce Chapter 6 (commencing with  
16 Section 118000) and this chapter, and for purposes of enforcing  
17 these chapters, traffic officers and these peace officers are  
18 authorized representatives of the department.

19 ~~SEC. 88.~~

20 *SEC. 82.* Section 118345 of the Health and Safety Code is  
21 amended to read:

22 118345. (a) Any person who intentionally makes any false  
23 statement or representation in any application, label, shipping  
24 document, record, report, permit, registration, or other document  
25 filed, maintained, or used for purposes of compliance with this  
26 part that materially affects the health and safety of the public is  
27 liable for a civil penalty of not more than ten thousand dollars  
28 (\$10,000) for each separate violation or, for continuing violations,  
29 for each day that the violation continues.

30 (b) Any person who fails to register or fails to obtain a medical  
31 waste permit in violation of this part, or otherwise violates any  
32 provision of this part, any order issued pursuant to Section 118330,  
33 or any regulation adopted pursuant to this part, is liable for a civil  
34 penalty of not more than ten thousand dollars (\$10,000) for each  
35 violation of a separate provision of this part or, for continuing  
36 violations, for each day that the violation continues.

37 ~~SEC. 89.~~

38 *SEC. 83.* No reimbursement is required by this act pursuant to  
39 Section 6 of Article XIII B of the California Constitution because  
40 the only costs that may be incurred by a local agency or school

1 district will be incurred because this act creates a new crime or  
2 infraction, eliminates a crime or infraction, or changes the penalty  
3 for a crime or infraction, within the meaning of Section 17556 of  
4 the Government Code, or changes the definition of a crime within  
5 the meaning of Section 6 of Article XIII B of the California  
6 Constitution.

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